

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JACK L. MORRIS,  
Plaintiff,

No. C 06-5015 SI (pr)

**ORDER**


v.

JOE McGRATH, warden; et al.,  
Defendants.

Plaintiff sent to the court two subpoenas that he had filled out for the clerk to issue them. The clerk issued the subpoenas – issuance meaning only that a deputy clerk signed them and put the clerk's stamp on them – and returned them to plaintiff for him to serve. On June 30, 2008, the court received an envelope from plaintiff with three copies of a subpoena to the custodian of records at the "state personal board" and three copies of a subpoena to the custodian of records at Pelican Bay. It is unclear why plaintiff sent copies of the subpoenas to the court. If he was trying to file them, that was unnecessary because discovery materials normally are not filed. If he was trying to serve the subpoenas, sending them to the court did not effectuate service. Plaintiff, and not the court, is responsible for causing the subpoenas to be served in compliance with Federal Rule of Civil Procedure 45(b), which has been interpreted to permit personal service or service by certified mail. The clerk will return to plaintiff the copies of the subpoenas received on June 30, 2008.

IT IS SO ORDERED.

Dated: August 1, 2008

  
SUSAN ILLSTON  
United States District Judge